

Leaked medical evidence aimed at thwarting Pinochet's extradition

Richard Tyler
18 February 2000

On Tuesday the London High Court ruled that medical evidence showing that former Chilean dictator General Augusto Pinochet was unfit to stand trial should be given to the four countries seeking his extradition.

Within hours, medical details that provided the basis for Home Secretary Jack Straw's announcement that he intended to let Pinochet go appeared on the Internet sites of two Spanish newspapers. The source of the leak is widely believed to be the Spanish Foreign Ministry. The newspapers *ABC* and *El Mundo* are both close to the right-wing administration headed by José Maria Aznar of the Peoples Party. Both support the government's opposition to a trial taking place in Spain. In Santiago a newspaper that printed details from the report said that the Chilean government, which likewise opposes a Spanish trial, had provided it with extracts.

Following the publication of the evidence, Foreign Minister Abel Matutes said the report was "clear, formal and without fault as concerns General Pinochet's incapacity to undergo trial".

Although met by angry criticism from Pinochet's lawyers and family that the leak breached "confidentiality", the wide publication of the medical report is generally regarded as making his extradition less likely. Opinion in most of the mainstream media is that now the details of Pinochet's health are known, he is indeed unfit to stand trial and should be allowed home. A typical comment was in the conservative *Daily Telegraph*, which said that "publication has strengthened the position of Jack Straw, who said he is 'minded' to release the 84-year-old former dictator on compassionate grounds because is mentally unfit to stand trial".

The *Telegraph* also points out that another plausible

reason for leaking the report could be to avoid further drawn-out legal actions concerning Pinochet's health, that would have the effect of postponing any substantive decision by Straw on halting the extradition. "The only possible escape from months of additional litigation—with the risk that the General might die in Britain—would appear to be the leaking of the medical report."

The *Guardian*, regarded as Britain's leading "liberal" paper, ran an op-ed piece Thursday by Linda Grant calling for Pinochet to be sent home. The article argued that a trial could not now go ahead "for it to do so would be immoral. It would be a grotesque show trial, a spectacle of vengeance and humiliation which better belongs in the litany of sadistic practices carried out in the Coliseum in ancient Rome".

It does not appear to strike the *Guardian* as either immoral or grotesque that the man responsible for the torture and death of thousands of innocent men and women looks increasingly likely to escape any public trial. While initially hailing the detention of Pinochet as a victory for human rights, in recent months the *Guardian* has supported the Labour government's efforts to set him free.

Belgium, Spain, Switzerland and France have been given until 5 p.m. next Tuesday, February 22 to make their submissions following sight of the medical report prepared by the four doctors who examined Pinochet. The doctors find that although physically able to stand trial, "It is our view that Senator Pinochet would not at the present be mentally capable of meaningful participation in a trial."

They cite four grounds for this conclusion: memory deficit for recent and remote events; limited ability to understand complex questions and sentences; impaired abilities of expression; and that Pinochet is easily

fatigued. The main cause is described as “extensive brain damage” resulting from a series of minor strokes, exacerbated by diabetes. The doctors conclude that “further sustained functional improvement of a significant degree [is] unlikely”. The report also notes that formal neuropsychological tests did not show any of the signs of “deliberate exaggeration of damage”.

In their ruling that the Home Office must hand over the medical report to the four countries seeking Pinochet’s extradition, the three judges said the Home Secretary’s intention to release Pinochet on medical grounds effectively meant he would never be tried despite “the enormity of the alleged crimes”. “If ever there was a case in which the integrity of the international criminal justice system needed to be demonstrated, a case calling for the highest standards of fairness and transparency, this is it. It is simply not satisfactory that this all important report should be seen only by four office-holders within a single state,” the judges ruled.

Pinochet’s arrest in Britain in October 1998, following the issue of an extradition warrant by Spanish Judge Baltasar Garzon, was both unexpected and unwelcome in London and Madrid. Both governments sought to extricate themselves from the possibility that the former dictator would face a public trial. At the same time, the unwanted “guest” could not be summarily sent home, without exposing their hypocrisy on human rights, supposedly the new touchstone of NATO foreign policy. Britain and Spain supported the war against Serbia on the basis that Yugoslav President Slobodan Milosevic was committing gross human rights violation in the form of “ethnic cleansing” in Kosovo.

The torture and “disappearance” of thousands under the military junta headed by Pinochet in Chile is an established fact. For example, the *Hutchinson On-line Encyclopaedia* contains the following entry for Pinochet: “Military dictator of Chile from 1973, when a coup backed by the US Central Intelligence Agency ousted and killed President Salvador Allende, until 1989. Pinochet took over the presidency as the result of the coup and governed ruthlessly, crushing all political opposition (including more than 3,000 people who ‘vanished’ or were killed).” The ruthless policy the junta pursued in relation to its opponents was made into the widely acclaimed film *Missing*, concerning the

disappearance in Chile of US citizen Charles Horman.

Official opinion, both right-wing and nominally liberal, is now agreed that Pinochet should not face trial. His poor state of health provides the perfect justification for drawing a line under a whole historical period. While nodding reference may be made to the excesses that occurred in Chile under Pinochet, these are events that are better left in the past. To rake over them might raise too many spectres: the involvement of the US administration, military and CIA in the coup and the brutal persecution that ensued; unfavourable comparisons with Spain’s own “transition” from the Franco dictatorship and a similar presence of old fascists in the new “democratic state”.

London is anxious to cover over Britain’s role in supporting Pinochet’s coup and to resume the lucrative trade in defence goods which Santiago maintained for the past quarter-century, interrupted only when Chile’s main arms procurer, Pinochet, was arrested.



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